

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

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**TENTATIVE ORDER NO. R9-2020-0004**

**AMENDING**

**ORDER NO. R9-2019-0003**

**WASTE DISCHARGE REQUIREMENTS  
FOR THE POSEIDON RESOURCES (CHANNELSIDE) LP  
CLAUDE “BUD” LEWIS CARLSBAD DESALINATION PLANT  
DISCHARGE TO THE PACIFIC OCEAN**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

**Background**

1. On May 8, 2019, the San Diego Water Board adopted Order No. R9-2019-0003 (NPDES No. CA0109223) (Order No. R9-2019-0003), establishing waste discharge requirements for Poseidon Resources (Channelside) LP (Discharger) to discharge up to 330 million gallons per day (MGD) of seawater, diluted brine, and filter backwash from the Claude “Bud” Lewis Carlsbad Desalination Plant (Facility) into the Pacific Ocean.
2. The Facility, which is owned and operated by the Discharger, intakes up to 330 million gallons per day (MGD) of seawater from Agua Hedionda Lagoon through an existing intake system using the existing intake pumps from the adjacent Encina Power Station (EPS). The Facility desalinates up to 120 MGD of seawater to produce up to 60 MGD of drinking water for distribution to the San Diego County Water Authority. The balance of seawater is used to dilute up to 67 MGD of combined media filtration backwash and reverse osmosis concentrate.
3. By letter dated September 5, 2019, the Discharger requested the San Diego Water Board to amend Order R9-2019-0003 as follows:
  - a. Transfer coverage and regulation of miscellaneous low-volume wastewater flows associated with the interim operation of the existing seawater intake pumps and screens from the NPDES permit for EPS, Order No. R9-2006-0043 to Order No. R9-2019-0003.
  - b. Revise effluent limitations for tetra chlorinated dibenzodioxins (TCDD) equivalents as needed to address the reasonable potential analysis that relied on previous monitoring reports data that contained calculation errors.
  - c. Provide minor clarifications to the monitoring requirements.

- d. Correct a minor inconsistency regarding the date that the Multiport Diffuser Analysis Workplan is required to be submitted to the San Diego Water Board.
4. The San Diego Water Board has reviewed the Discharger's request for amendment and is amending Order No. R9-2019-0003 as requested in Finding 3 above.

#### **Legal Authorities**

5. Section 13263(e) of the California Water Code provides that the San Diego Water Board may, upon application by any affected person, or on its own motion, review and revise waste discharge requirements. Section 122.62(a) of title 40 of the Code of Federal Regulations authorizes the reopening and modification of a National Pollutant Discharge Elimination System (NPDES) permit based upon new information.
6. Order No. R9-2019-0003 is not being reopened for any other purpose than the revisions contained herein. Except as contradicted or superseded by the findings and directives set forth in this Order, all the previous findings and directives of Order No. R9-2019-0003 shall remain in full force and effect.

#### **California Environmental Quality Act**

7. This action is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, division 13, chapter 3, section 21000 et seq.) in accordance with section 13389 of the Water Code.

#### **Public Participation**

8. The San Diego Water Board has notified all known interested parties of its intent to adopt this Order and has provided them with an opportunity to submit written comments and recommendations.
9. The San Diego Water Board in a public meeting heard and considered all comments pertaining to adoption of this Order.
10. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the adoption date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) or will be provided upon request.

#### **IT IS HEREBY ORDERED:**

1. This Order amends Order No. R9-2019-0003, NPDES No. CA0109223, as described in the revised version included as Attachment 1 to this Order. Added text to Order No. R9-2019-0003 is displayed in red-underline text and deleted text is displayed as red-strikeout text. Modifications to Order No. R9-2014-0009 were made to the following sections:

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F-57	Att. F, VIII.D. Order No. R9-2020-0004 Amending the Order

2. The amended version of Order No. R9-2019-0003, included as Attachment 1 to this Order, shall become effective on February 12, 2020.
3. San Diego Water Board staff is directed to prepare and post a conformed copy of Order No. R9-2019-0003, incorporating the revisions made by this Order.

I, David W. Gibson, Executive Officer, do hereby certify that this Order is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 12, 2020.

Tentative  
David W. Gibson  
Executive Officer